

### **REMARKS**

Applicant has had an opportunity to review the outstanding Office Action issued by the U.S. Patent & Trademark Office in connection with this application, and now respectfully request that the Examiner reconsider and/or reexamine the present application in view of the amendments and/or remarks contained in this paper.

#### **Summary of the Outstanding Office Action**

Claim 48 stands rejected under 35 U.S.C. §112, second paragraph, due to an alleged lack of antecedent basis for the language “the mailing article.”

Claims 32-52 stand rejected under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over, U.S. Patent No. 3,914, 483 to Stipek, Jr. (“Stipek”).

#### **Summary of the Amendments to the Claims**

Claims 32 and 49 have been amended to further define the reply mailing address label and the send mailing address label, respectively.

Claim 34 has been amended to highlight that the print-receptive coating is a separate element coated on the facestock.

Claim 41 has been amended to further define what is being claimed.

Claim 47 has been amended to further define the fourth weakened line pattern as being within the first weakened line pattern.

New claims 63 and 64 have been added.

#### **Comments/Arguments**

In view of the amendments to claim 32, antecedent basis now exists for the language “the mailing article” in claim 48. Accordingly, it is respectfully requested that the rejection of claim 48 under 35 U.S.C. §112 now be withdrawn.

It is respectfully submitted that claims 32 and 49 distinguish patentably over Stipek. Notably, the reply or send mailing label (as the case may be) is adapted for selective application to a mailing article and receptive to mailing address indicia. Stipek fails to expressly teach or fairly suggest such features.

Indeed, it is noteworthy that the inner removable label 33 (as the Examiner refers to it) is preprinted with indicia 41, 43 or 45. Accordingly, it is not receptive to marking with mailing address indicia inasmuch as it is already preprinted. Moreover, the indicia 41, 43 and 45 on the label portions 33 are not mailing address indicia. Rather, this indicia is expressly identified in Stipek as a "coupon" or "decorative" designs, e.g., such as identification or pricing. See column 2, lines 18-29 and column 3, lines 4-12.

On page 3, the second full paragraph of the Office Action, the Examiner has implied that Stipek teaches that the indicia on the inner removable label 33 may be the name of the manufacturer, distributor, packer, etc., or other information identifying a container or package, citing column 1, line 45 through column 2, line 29. This is simply an erroneous reading of Stipek.

In fact, the cited text (i.e., column 1, line 45 through column 2, line 29) nowhere mentions or even hints that the indicia on the inner removable label 33 may be the name of the manufacturer, distributor, packer, etc., or other information identifying a container or package. Rather, the cited text expressly states that the indicia is a coupon or decorative design. Indeed, Stipek does state that "the name of the manufacturer, distributor, packer, etc., or other information identifying the container or package to which the label is affixed" may be indicia on the label. However, this indicia is expressly designated for the main label portion 13 and not the inner removable label 33. See column 3, lines 12-17. Accordingly, nowhere does Stipek teach mailing address indicia being imprinted on the inner removable label 33. On the contrary, Stipek only teaches that the inner removable label 33 contains coupon and decorative design indicia. This is contrary to the express claim language calling for the reply or send mailing label to be receptive to mailing address indicia.

The Examiner "takes Official notice that using a label with preprinted address for mailing is common and well known." Firstly, a preprinted label is not what is being claimed. Rather, the claims call for reply or send mail labels (as the case may be) that are receptive to marking with mailing address indicia. In

fact, these labels are not preprinted. Accordingly, even if it were appropriate to take Official notice, preprinted mailing labels do not read on the current claims.

Additionally, claim 34 further distinguishes patentably over Stipek. Notably, the Examiner reads the outer surface of the Stipek label as corresponding to the claimed print-receptive coating. Such a reading, however, does not meet the express terms of the claim. In particular, as claimed, the facestock is coated with the print-receptive coating, and accordingly, the coating is a separate element from the facestock itself. That is to say, inasmuch as the coating is coated on the facestock, the surface of the facestock cannot be fairly equated with the claimed coating. To be sure, it makes no rational sense to say that a surface of the facestock itself is coated onto the facestock. Clearly, one of ordinary skill in that art would not interpret the surface of a facestock to mean a coating that is applied to that facestock.

Significantly, claim 47 now further defines patentably over Stipek. In particular, claim 47 recites that the fourth weakened line pattern is within the first weakened line pattern. The Examiner, however, argues that “the terms ‘third and fourth weakened lines’ are read upon by similar die cuts in a second label.” Such a reading does not meet the express terms of the claim inasmuch as the relied-upon die cuts in a second label would not fall within the first weakened line pattern of the claimed first reply mailing address label.

New claims 63 and 64 both distinguish patentably over Stipek. Indeed, claim 63 recites that the front surface of the facestock residing within each second label portion is substantially blank. In stark contrast, Stipek expressly discloses that the interior configurations 33 have indicia 41, 43 and 45 imprinted thereon. Additionally, claim 64 recites that the first label portions are arranged on the sheet of facestock material in a two-dimensional matrix array. Again, Stipek fails to disclose this feature. Rather than a sheet containing a two-dimensional matrix array of labels, Stipek discloses a roll of labels in a one-dimensional array.

The foregoing distinctions are significant. Notably, the present application is directed to a sheet construction, e.g., intended for selective printing by an end user in a conventional sheet fed printer, such as a laser printer or ink-jet printer.

Accordingly, the sheet format allows the construction to be readily employed in conventional printers and the two-dimensional arrangement of labels on the sheet seeks to maximize the number of labels per sheet while having label dimensions maintained so as to suitably size the labels for receiving address and/or other like mailing information thereon. Additionally, as the labels are intended for printing by the end user, they are not preprinted, but rather they are blank.

Simply put, Stipek does not contemplate the foregoing use for his labels. Accordingly, the structure disclosed in Stipek is not the same as in claims 63 and 64. Importantly, Stipek discloses a roll of labels, not a sheet as claimed. Moreover, Stipek's labels are preprinted, not blank as claimed. Additionally, Stipek's labels are arranged in a one-dimensional array, not a two-dimensional matrix array as claimed. Clearly, Stipek's roll of labels is not intended or suitably fit for printing via a conventional sheet fed printer, e.g., such as a laser printer or ink-jet printer.

### **Conclusion**

For at least the reason(s) presented above, all the claims now remaining in the application are in condition for allowance, and accordingly, an early indication of the same is earnestly solicited.

Of course, if the Examiner feels that personal contact would facilitate expedited disposition of the present application, then he/she is hereby invited to contact the below signed representative of the Applicant.

Respectfully submitted,

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Date

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